



W.P.(MD)No.5065 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5065 of 2025

and WMP (MD) No.3680 of 2025

Thangammal

: Petitioner

Vs.

1. The District Collector,
Collectorate, Tuticorin District.

2. The Assistant Director of Panchayats,
Tirunelveli Division, Tirunelveli.

3. The Tashildar,
Tiruchendur Taluk,
Thoothukudi District.

4. Udangudi Selection Grade Town Panchayat,
Rep.By its Executive Officer,
Udangudi Village,
Thiruchendur Taluk,
Thoothukudi District.

5. Hummiara Rameez Fathima,
W/o.Asaf Ali Badushah,
The Panchayat President,
Udangudi Selection Grade
Town Panchayat, Udangudi Village,
Thiruchendur Taluk,
Thoothukudi District.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent no.1 to initiate proceedings under section 205 of Tamil Nadu Panchayats Act against the Respondent no.5 by considering the representation of the petitioner dated 24.12.2024.

For Petitioner : M/s. Roy and Roy Associates
Mr. Mahaboob Fazil

For Respondents : Mr.C.Venkatesh Kumar
Spl. Government Pleader
for R1 to R3
Mr.B.Saravanan for R4
Mr.R.Anand for R5

ORDER

This writ petition has been filed seeking a mandamus, directing the first respondent to initiate proceedings under Section 205 of the Tamil Nadu Panchayats Act, against the fifth respondent, by considering the representation of the petitioner dated 24.12.2024.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

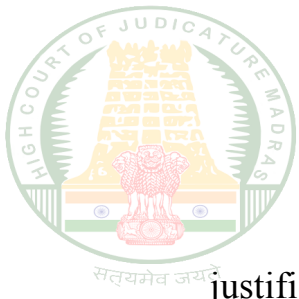


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3. The petitioner's case is that owing to the abuse by the fifth respondent, who insulted the petitioner's husband by uttering caste-based slurs, he committed suicide by consuming poison. Based on a complaint, a case was registered in Crime No. 45 of 2023 and a final report was filed in S.C. No. 21 of 2023, before the learned Special Court for Trial of Cases under the SC/ST Act, Thoothukudi District. The fourth respondent has also been named as one of the accused. However, the fourth respondent continues to hold the post. Therefore, the District Collector/first respondent ought to invoke Section 205 of the Panchayats Act, 1994. In this regard, the petitioner submitted a detailed representation on 24.12.2024, requesting the respondents 1 and 2 to initiate proceedings against the fifth respondent. However, as no action was taken, the petitioner has filed the present writ petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be



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justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents 1 and 2, to consider the petitioners' representation dated 24.12.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 1 and 2 to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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